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FLOOR DEBATE

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LB 1003

gather a sampling of deer around the property where while-tail deer had been found infected with CWD. And it's my understanding that 34 out of 35 landowners, when asked, gave permission. I think we are going to find more cooperation of landowners than we anticipate and I'm not certain that we need to take the added step of compelling landowners to grant permission. On General File, I offered an amendment to the committee amendments to add two elements before commission staff could gain access without landowners' permission. The first was that they have a reasonable cause to enter the property, and secondly that the commission should first make an attempt to gain permission. And I think we're asking for trouble when government enters property, even if it's authorized by statute, when the landowner is not at least informed or consulted. These elements have been incorporated into Senator Schrock's amendment and I think they improve the bill; however, I'm still somewhat apprehensive about how this will unfold when the commission attempts to implement it. I'd like to go through how this statute would work and how I believe the commission should exercise the authority if this statute is enacted. There are three types of situations, I believe, where the commission will be performing management actions aided by this statute. The first is destroying...is to destroy a confined herd that is known to be diseased. The second is to perform management hunts to thin populations in the wild where disease is detected and to collect samples to determine the prevalence of the disease. And the third situation, as Senator Schrock mentioned a little bit ago, the situation where the commission staff happens upon a diseased animal or has information that a diseased animal is present. In the first two situations, in particular, it is my belief that the commission will have ample time to contact landowners. It is necessary to access...if it is necessary to access additional lands, then it would be wise for the commission to arrange ahead of time to be certain that a local peace officer escorts commission staff to these properties, either a conservation officer or a local sheriff. This is likely to have a calming influence and also conveys that the reason for being there is important enough to go through the proper channels. Obviously, if the landowner is still determined not to allow access, the commission would have to approach the county attorney to get a warrant. I inquired of